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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LONG HAUL INC. and EAST BAY
PRISONER SUPPORT,

Plaintiffs,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA, et al.,

Defendants.

No. C 09-00168 JSW

**ORDER REGARDING MOTIONS
FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION**

Now before the Court are the motions for leave to file motions for reconsideration filed by plaintiffs Long Haul, Inc. (“Long Haul”) and East Bay Prisoner Support (“EBPS”) (collectively, “Plaintiffs”) and by Lisa Shaffer, Mike Hart, and the United States (collectively, “Federal Defendants”) regarding the Court’s order on the parties’ cross-motions for summary judgment.

Under local rule 7-9, a party may seek leave to file a motion for reconsideration any time before judgment. N.D. Civ. L.R. 7-9(a). A motion for reconsideration may be made on one of three grounds: (1) a material difference in fact or law exists from that which was presented to the Court, which, in the exercise of reasonable diligence, the party applying for reconsideration did not know at the time of the order; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments presented before entry of judgment. N.D. Civ. L.R. 7-9(b)(1)-(3). The moving party may not reargue any written or oral argument previously asserted to the Court. *Id.*, 7-9(c).

1 Both parties merely seek to reargue arguments previously asserted to the Court, or
2 arguments that should have been raised in their motions for summary judgment. Nevertheless,
3 the GRANTS Plaintiffs' motion to the extent they seek to file a motion for reconsideration on
4 the issue of Zuniga's qualified immunity and the official capacity claims against the University
5 Defendants. The Court DENIES the remainder of Plaintiffs' motion. The Court GRANTS the
6 Federal Defendants' motion.

7 **IT IS SO ORDERED.**

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9 Dated: November 28, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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